

#4

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number
(Optional)
082368-004100US

First Named Inventor: Yusuke NAKAMURA

International (PCT) Application No.: PCT/JP2003/011975

U.S. Application No.:
(if known)

Filed: September 19, 2003

Title: METHOD FOR DIAGNOSING DIFFUSE-TYPE GASTRIC CANCERS

05/03/2006 MKAYPAGH 00000135 201430 10533026

07 FC:1453 1500.00 DA

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

11 JAN 2006

The above-identified application became abandoned as to the United States because the fees and ^{Legal Staff} ~~costs~~ required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity — fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity — fee \$ 1500 (37 CFR 1.17(m)).

Please charge Deposit Account No. 20-1430 in the amount of \$ 1500 to cover the above fees. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 20-1430. A duplicate copy of this sheet is enclosed.

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of the National Fee and US National Phase Application forms (identify the type of reply):

☐ has been filed previously on _____.

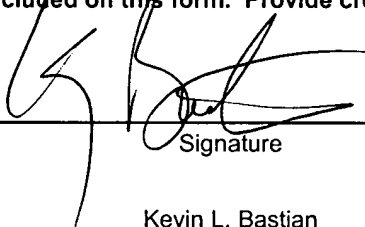
☒ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

April 26, 2005

Date

Kevin L. Bastian

Typed or printed name

34,774

Registration Number, if applicable

Townsend and Townsend and Crew LLP

Address

415-576-0200

Telephone Number

Two Embarcadero Center, 8th Floor, San Francisco, CA 94111

Address

Enclosures: ☐ Response☒ Fee Payment☐ Terminal Disclaimer☒ Other (please identify):

Express Mail Label No.: EV 566960347 US;
 PTO-1390 Transmittal Letter to the United States Designated/Elected Office (DO/EO/US)
 Concerning a Filing Under 35 U.S.C. 371, with authorization to charge fee;
 Copy of the Publication of the International Application (WO 2004/038045 A2);
 Copy of the International Search Report (WO 2004/038045 A3);
 Application Data Sheet;
 Preliminary Amendment and Communication Under 37 CFR 1.821-1.825; and
 Sequence Listing on Paper and in Computer Readable Form.